IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3434 OF 2006
IN
INCOME TAX APPEAL LODGING NO.1904 OF 2006

The Commissioner of Income Tax -3. ..Appellant.
Vs.
M/s. ICICI Ltd. ..Respondent.

Mr.P.S.Sahadevan for the Appellant.

Mr.S.P. Mehta for the Respondent.

CORAM : F.I. REBELLO & R.S. MOHITE, JJ.
DATED : 3RD DECEMBER,2007.

PC :

1. This is a Notice of Motion for condoning 665-days delay in filing the aforesaid income tax appeal. On perusal of the affidavit in support of the Notice of motion, it is seen that after obtaining Chief CIT's approval to file the appeal, which was granted on 5.11.2004, the matter was sent to the Advocate and thereafter the file was sent to the panel counsel. The draft Memo of Appeal was received on 5.9.2006 and the appeal was filed on 21.9.2006. In our opinion, the delay between 5.11.2004 and 5.9.2006 is not satisfactorily explained. The cause shown is not sufficient cause. Hence, Notice of motion is dismissed.

(R.S. MOHITE, J.) **(F.I. REBELLO, J.)**

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPEAL LODGING NO.1904 OF 2006

The Commissioner of Income Tax -3. ..Appellant.

Vs.

M/s. ICICI Ltd. ..Respondent.

Mr.P.S.Sahadevan for the Appellant.

Mr.S.P. Mehta for the Respondent.

CORAM : F.I. REBELLO & R.S. MOHITE, JJ.
DATED : 3RD DECEMBER,2007.

PC :

1. As the Notice of motion for condonation of delay has been dismissed, appeal also stands dismissed. Refund of court fee as per rules. Certified copy expedited.

(R.S. MOHITE, J.) **(F.I. REBELLO, J.)**